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(twice amended)
9. A transformed plant comprising in its genome at least one stably incorporated nucleotide construct comprising a nucleotide sequence encoding a polypeptide operably linked to a promoter that drives expression of said polypeptide, wherein said polypeptide is pesticidal for at least one pest belonging to the order Coleoptera and wherein said nucleotide sequence has at least 90% sequence identity to the nucleotide sequence set forth in SEQ ID NO:1.

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(twice amended)
17. A method for impacting a plant pest comprising introducing into a plant or cell thereof at least one nucleotide construct comprising a nucleotide sequence encoding a polypeptide operably linked to a promoter that drives expression of said polypeptide in plant cells, wherein said polypeptide is pesticidal for at least one pest belonging to the order Coleoptera and wherein said nucleotide sequence has at least 90% sequence identity to the nucleotide sequence set forth in SEQ ID NO:1.

[Please add the following new claims: *]*

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38. The nucleic acid of claim 1, wherein said nucleotide sequence has at least 95% identity to the nucleotide sequence set forth in SEQ ID NO:1.

39. The nucleic acid of claim 1, wherein said nucleotide sequence encodes the amino acid sequence set forth in SEQ ID NO:2.

40. The nucleic acid of claim 1, wherein said nucleotide sequence is set forth in SEQ ID NO:1.

41. An antisense nucleotide sequence corresponding to the nucleotide sequence of claim 1.

42. A nucleotide sequence that hybridizes under stringent conditions to a nucleic acid consisting of the nucleotide sequence set forth in SEQ ID NO:1.

43. The transformed plant of claim 9, wherein said nucleotide sequence has at least 95% identity to the nucleotide sequence set forth in SEQ ID NO:1.

44. The transformed plant of claim 9, wherein said nucleotide sequence encodes the amino acid sequence set forth in SEQ ID NO:2.

45. The transformed plant of claim 9, wherein said nucleotide sequence is set forth in SEQ ID NO:1.

46. The transformed plant of claim 9, wherein said nucleotide sequence is optimized for expression in a plant.

47. A transformed plant comprising in its genome at least one stably incorporated nucleotide construct comprising an antisense nucleotide sequence corresponding to the nucleotide sequence of claim 1, wherein said antisense nucleotide sequence is pesticidal for at least one pest belonging to the order Coleoptera.

48. A transformed plant comprising in its genome at least one stably incorporated nucleotide construct comprising a nucleotide sequence that hybridizes under stringent conditions to a nucleic acid consisting of the nucleotide sequence set forth in SEQ ID NO:1.

49. The method of claim 17, wherein said nucleotide sequence has at least 95% identity to the nucleotide sequence set forth in SEQ ID NO:1.

50. The method of claim 17, wherein said nucleotide sequence encodes the amino acid sequence set forth in SEQ ID NO:2.

51. The method of claim 17, wherein said nucleotide sequence is set forth in SEQ ID NO:1.

52. The method of claim 17, wherein said nucleotide sequence is optimized for expression in a plant.

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53. A method for impacting a plant pest comprising introducing into a plant or cell thereof at least one nucleotide construct comprising an antisense nucleotide sequence corresponding to the nucleotide sequence of claim 1, wherein said antisense nucleotide sequence is pesticidal for at least one pest belonging to the order Coleoptera.

54. A method for impacting a plant pest comprising introducing into a plant or cell thereof at least one nucleotide construct comprising a nucleotide sequence that hybridizes under stringent conditions to a nucleic acid consisting of the nucleotide sequence set forth in SEQ ID NO:1.

REMARKS

Claims 1-37 are pending in the application. Claims 4, 5, 6, 7, 8, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 have been cancelled. New claims 38-54 have been added. Support for the newly added claims can be found in the original claims as well as throughout the specification. The newly added claims emphasize the importance to the invention that the sequences of the claims share a high percentage of identity to the exemplary sequence set forth in SEQ ID NO:1. No new matter has been added by way of amendment. Reexamination and reconsideration of the claims are respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of